FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.11 OF 2006
AND
CRIMINAL REVISION APPLICATION NO.458 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.Mahesh Subramaniyam i/by S.V. Pitre for the applicants.

Mr.P.S.Hingorani APP for the State.

Coram : R.S.Mohite,J

Date : 23.01.2006.

PC

1. The applicants in these cases are the 3 accused, who have been convicted by the Addl.Chief Magistrate, Pune by his judgment and order dated 21.12.1996 under Section 39 of the Electricity Act and directed to pay fine. The sentence which was imposed against all the 3 accused was to suffer 3 months RI. Accused nos.1 & 3 were to pay fine of Rs.40,000 and accused no.2 was to pay fine of Rs.20,000/-. The appeal filed by

the 3 accused being Criminal Appeal No.12/97 came to be dismissed by the Additional Sessions Judge, Pune, vide his judgment and order dated 27.12.2005. On perusal of the impugned judgment and order, I find that the conviction is based upon a clear and sufficient evidence. The panchanama which was proved by examining a panch and which was also supported by 3 technical witnesses of M.S.E.B. indicating that the meter terminal box was intact resulting in total bye-pass of the meter and no consumption was recorded in the meter. That the complainant Mr.Konkane had taken photographs to show the tampering of the electric connection and the taking of such photograph was mentioned in the seizure panchanama. The evidence of the complainant PW-4 and the other 2 technical witnesses as well as P.I. Mane established that there was theft of electricity. The theft of electricity is to the tune of

Rs.16,50,000/-. Hence, not a fit case to interfere. It was sought to be argued that quantum of theft was not established. It is clear that theft was of large quantities. Hence, both the revisions are dismissed. On an oral application made by the Applicants, four weeks time is granted to surrender to undergo the sentence.

(R.S.Mohite,J)